

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,  
Plaintiff,

v.

JACK SEN BENEVOLENT  
ASSOCIATION, et al.,  
Defendants.

Case No. 21-cv-03469-JCS

**ORDER OF DISMISSAL**

Plaintiff filed a notice stating that “the barriers alleged in his Complaint have been removed and currently the subject property is fully remediated and accessible for person with disabilities, specifically wheelchair users” and therefore, that he is “now satisfied his claim for injunctive relief has been rendered moot.” Dkt. 19. In response to the Court’s Order to Show Cause Why Case Should not be Dismissed [dkt.20], Plaintiff further states that he does not object to the Court dismissing his claim under the Americans with Disabilities Act (“ADA”) on the basis that it is moot and declining to exercise supplemental jurisdiction over his California Unruh Act claim, which is the only remaining claim in the case. Accordingly, the Court dismisses Plaintiff’s ADA claim without prejudice on the basis that it is moot. *See Transp. Techs., LLC v. Los Angeles Metro. Transportation Auth.*, No. CV 15-6423-RSWL-MRW, 2019 WL 2058630, at \*2 (C.D. Cal. May 8, 2019) (holding that dismissal based on mootness must be without prejudice because “when a case is moot, there is no longer a live case or controversy over which a federal court has Article III jurisdiction”) (citing *Cole v. Oroville Union High Sch. Dist.*, 228 F.3d 1092, 1098 (9th Cir. 2000)). The Court declines to exercise supplemental jurisdiction over the Unruh Act claim, which is also dismissed without prejudice. The Clerk is instructed to close the file in this case.

**IT IS SO ORDERED.**

Dated: October 3, 2022

  
JOSEPH C. SPERO  
Chief Magistrate Judge